

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
DELTA DIVISION**

DARYL GREGORY HILL,

PLAINTIFF

V.

NO. 2:05CV33-B-D

DESOTO COUNTY JAIL, ET AL.,

DEFENDANTS

O P I N I O N

This *pro se* § 1983 complaint was filed on February 1, 2005. The court on April 19, 2005, mailed a copy of an order setting a hearing pursuant to *Spears v. McCotter*, 766 F.2d 174 (5th Cir. 1985) to plaintiff's last known address. This has been returned with the notation "refused - return to sender." Since plaintiff has refused to accept a letter from the court, communication of the court's orders is impossible. Plaintiff's failure to accept the mail is also indicative of a lack of interest in pursuing this complaint and constitutes a failure to prosecute within the meaning of Rule 41(b), Federal Rules of Civil Procedure. Therefore, in accordance with 41(b), it must be dismissed. A final judgment in accordance with this opinion will be entered.

THIS the 19th day of May, 2005.

/s/ Neal Biggers

SENIOR U.S. DISTRICT JUDGE